

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

SEP 15 2014

for the

District of New Mexico

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Leon Tafoya)

Post Office Box 1407)

Espanola, New Mexico 87532)

Year of Birth 1995 SSN#xxx-xx-2120)

Defendant(s)

Case No.

14mj 3093

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 7, 2014 in the county of Rio Arriba in the
State and District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 1153; 113a(3) and (6);
 18 USC 1152, 13, and NMSA
 30-3-2 (1978)

Leon J. Tafoya, Jr., an Indian, for the crime of Assault with a Dangerous
 Weapon, with intent to do bodily harm to the person of John Doe 1, Assault
 Resulting in Serious Bodily Injury to the person of John Doe 1, and
 Aggravated Assault for unlawfully assaulting or striking at the person of John
 Doe 2, a non-Indian with a deadly weapon, while in Indian Country.

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.


Brenda Gonzales, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/15/14

City and state:

Albuquerque, NM



Judge's signature

State C. Talbot

Printed name and title

U.S. Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA)

VS.)

Leon J. Tafoya)

Year of Birth 1995)

SSN xxx-xx-2120)

Case No: _____

AFFIDAVIT

I, BRENDA GONZALES, being duly sworn, depose, and say the following:

1. I am a Special Agent (SA) with the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) assigned to the Northern Pueblos Agency, Ohkay Owingeh, New Mexico. My duties are to provide law enforcement services to the Eight Northern Indian Pueblos and other Indian Country Entities within the State of New Mexico. My primary duties are investigating violations of the Major Crimes Act, which occur within Indian Country. I have an Associate's Degree in Criminal Justice from the Santa Fe Community College. I have ten total years of law enforcement experience all with the Bureau of Indian Affairs, Office of Justice Services. I completed the Basic Criminal Investigation Course at the Federal Law Enforcement Training Center in Glynco, Georgia and the Basic Police Officer Training Program with the United States Indian Police Academy at the Federal Law Enforcement Training Center in Artesia, New Mexico. I have extensive in-service and technical training in multiple aspects of Law Enforcement. As part of my investigative responsibilities, I investigate crimes of Assaults with Dangerous Weapons and Assaults which result in Serious Bodily Injury. My duties also include preparing affidavits for criminal complaints as they relate to these violations

2. Because this affidavit is being submitted for the purpose of securing a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. The information set forth in this affidavit is known to me as a result of my own investigation, or has been communicated to me by other law enforcement officers and or agents. I have set forth facts I believe are necessary to establish Probable Cause to arrest Leon J. Tafoya, an Indian for the crime(s) of Assault with a Dangerous Weapon, Assault resulting in Serious Bodily Injury, and Aggravated Assault in Indian Country.

3. On September 7, 2014, I responded to an assault with a dangerous weapon, such assault resulting in serious bodily injury, which occurred in Santa Clara Pueblo, New Mexico. It was determined the suspect of the assault was an Indian. It was also determined at least one victim was Indian. The other victim is a non-Indian. The assault(s) were committed in Indian Country.

4. The location of the assaults has been identified as being located on Pumpkin Lane, Rio Arriba County, State of New Mexico. The location is on land owned by the Santa Clara Pueblo Indian Tribe. The location is "Indian Country" as defined by federal law.

5. Victim 1 of this investigation has been identified as John Doe 1, an Indian. John Doe 1 has a year of birth of 1951 and a social Security Account Number of xxx-xx-5092. He will be referred to as John Doe 1 for the remainder of this affidavit. John Doe 1 is an enrolled member of the Santa Clara Pueblo Indian Tribe.

6. Victim 2 of this investigation has been identified as John Doe 2, a non-Indian. John Doe 2 has a year of birth of 1967 and a social Security Account Number of xxx-xx-7320. He will be referred to as John Doe 2 for the remainder of this affidavit. John Doe 2 is employed as a Police Officer for the Santa Clara Pueblo Tribal Police Department.

7. The suspect of this investigation has been identified as Leon J. Tafoya, with a year of birth of 1995, and Social Security Account Number xxx-xx-2120. Leon J. Tafoya is an enrolled member of the Santa Clara Pueblo Indian Tribe. Leon J. Tafoya will be referred to as Tafoya for the remainder of this affidavit.

8. On Sunday, September 7, 2014, at approximately 2:05 p.m., Santa Clara Tribal Police responded to a residence on Pumpkin Lane, Santa Clara, New Mexico, in reference to an Assault with a Dangerous Weapon (Stabbing).

9. BIA Special Agents (SA) J.P. Montowine and I responded too and initiated an investigation. We were advised that John Doe 2 was on duty as a Santa Clara Tribal Police officer when he responded to the location in reference to a stabbing and was confronted by Tafoya who was armed with a knife. John Doe 2 and Tafoya struggled for possession of the officer's duty weapon. John Doe 2 was finally able to subdue Tafoya, and place him in hand restraints. At that time first responders rendered aid to John Doe 1 and John Doe 2. John Doe 1, John Doe 2, and Tafoya were all transported to the Espanola Hospital for medical attention. The crime scene was secured.

10. SA Gonzales and FBI Special Agent Russ Romero responded to the Espanola Hospital to meet with the victims and suspect. Agents interviewed John Doe 1 prior to him going into emergency surgery. John Doe 1 told Agents, Tafoya attacked him and stabbed him approximately three (3) times in the chest area with some kind of object. John Doe 1 did not know what the object was. John Doe 1 advised Tafoya repeatedly told him, "It's time for you to go home". John Doe 1 did not know what Tafoya was referring to, as he resides at the residence. After being stabbed, John Doe 1 was able to

push Tafoya off him and a brief struggle ensued. John Doe 1 told Tafoya he would leave so the attack would stop. Tafoya walked away. John Doe 1 was gurgling as a result of his injuries. John Doe 1 searched for the phone but could not locate it. John Doe 1 believes he "blacked out" for a while. Tafoya came back into the room, and John Doe 1 asked him for the phone. Tafoya gave him the phone and John Doe 1 called Santa Clara Tribal Police Department to request for an ambulance. After calling the Police Department he called his brother who lives next door. John Doe 1 further advised, Tafoya was not in his right mind, he felt he was on some kind of drug.

11. Affiant met with Tafoya and identified herself as a Special Agent with BIA. Tafoya was sitting down on the examining table. I also noticed injuries to Tafoya's hands and to his left ear. Tafoya did not respond nor did he say anything. He appeared to be in a daze. There were two (2) Santa Clara Pueblo Tribal Police Officers guarding Tafoya.

12. One of the Tribal Police Officers guarding Tafoya, felt Tafoya may have been under the influence of a narcotic. The Officer felt this way due to his years of training and experience. He stated Tafoya was "stoic" and in a "daze". The Officer advised Tafoya's pupils were pinpointed.

13. A search of the residence revealed a stainless steel knife with a brown handle on the countertop in the kitchen. The evidence at the residence was consistent with that of a recent violent struggle.

14. On September 8, 2014, SA Montowine and SA Gonzales interviewed Tafoya at the Sandoval Adult Detention Center. Agents identified themselves and advised Tafoya of his Miranda Rights. Tafoya admitted to the assaults on John Doe 1 and John Doe 2. Tafoya admitted arming himself with a kitchen knife. Tafoya told John Doe 1, "It's time for you to go home". Tafoya said he stabbed John Doe 1 three (3) times near his chest. Tafoya said he "had to do it" and that "it had to be done". Tafoya would not say why he stabbed John Doe 1 but laughed about it. Tafoya showed no remorse and stated he was not sorry and he did not feel bad. Tafoya further stated when John Doe 2 arrived he knew John Doe 2 was a police officer by his badge, gun, and patches displayed on his uniform. Tafoya admitted to going for the officer's gun. A struggle ensued and he was bit in the ear and hit with a brick by John Doe 2. At some point during the struggle the gun was discharged.

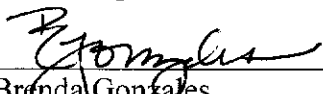
15. On September 9, 2014, SA Montowine spoke to a neighbor who witnessed the assault on John Doe 2. The neighbor was at the scene because he had been called via telephone by John Doe 1. According to the neighbor he looked through the back iron grate door and saw Tafoya standing in the kitchen with his hand to his back obviously hiding something. Tafoya invited the neighbor to come inside. The neighbor asked Tafoya where John Doe 1 was. Tafoya then brought his hand to the front of his person and displayed a knife. The neighbor intentionally kept Tafoya from opening the iron grate door because he was fearful something bad would happen to him. The neighbor then went to the front of the residence as John Doe 2 arrived and told John Doe 2 that

"He (Tafoya) is in the back and has a knife". John Doe 2 proceeded to the north side of the residence and ordered Tafoya to drop the knife. The neighbor said Tafoya suddenly attacked John Doe 2. John Doe 2 and Tafoya were fighting for control of a gun. During the struggle the neighbor became frightened for his life and therefore hid around the corner.

16. On Wednesday, September 10, 2014, John Doe 2 was interviewed and confirmed he was on official duty as a uniformed police officer for the Santa Clara Pueblo Tribal Police Department, displaying his badge and in a marked police unit. John Doe 2 stated he was dispatched to the residence described in paragraph 8 in reference to a stabbing. John Doe 2 arrived at the residence, walked around to the north side, and observed a male person run from the porch. John Doe 2 asked this person, where Tafoya was. This person told John Doe 2 "He's right there, he has a knife". John Doe 2 saw Tafoya standing in the doorway of the rear porch holding a knife. John Doe 2 ordered Tafoya to put the knife down, and Tafoya complied. John Doe 2 approached Tafoya with his side arm drawn; He grabbed Tafoya with his left hand, and attempted to holster his side arm with his right hand. Tafoya then lunged at John Doe 2 and attempted to grab his side arm with both hands, a struggle ensued. John Doe 2 attempted to use different techniques to gain control of the side arm, but was not successful. John Doe 2 said, Tafoya started to bite his index finger therefore; John Doe 2 bit Tafoya on the ear. There was no response according to John Doe 2. Tafoya got his finger on the trigger and discharged the side arm. John Doe 2 then pushed the release button for the magazine, so the side arm would not discharge again. John Doe 2 attempted several methods to subdue Tafoya. John Doe 2 was eventually able to subdue Tafoya.

Based on the above facts known to me concerning this investigation, I believe probable cause exists to arrest **Leon J. Tafoya**, an Indian, for the crime of Assault with a Dangerous Weapon, with intent to do bodily harm to the person of John Doe 1, Assault Resulting in Serious Bodily Injury to the person of John Doe 1, and Aggravated Assault for willfully and intentionally assaulting another with the intent to commit a felony to the person of John Doe 2, a non-Indian while in Indian Country, in violation Title 18, United States Code, 1153; 113a(3) and (6); 18 United States Code 1152. 13, and NMSA 30-3-2.

I swear this information is the truth to the best of my knowledge and belief.


Brenda Gonzales
Special Agent
BIA/NPA/OLES

Subscribed and sworn to before me
This 15th Day of September, 2014.


United States Magistrate Judge